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CLEARINGHOUSE RULE 98-166

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

The definition of “public agency” in s. Comm 118.02 (8) should be consistent with the definition in SECTION 9101 (1z) (a) 3. of 1997 Wisconsin Act 237. While the Act 237 provision includes state agencies, the rule does not.

2. Form, Style and Placement in Administrative Code

a. In the treatment clause for SECTION 1, “Wisconsin Administrative Code” should be deleted.

b. In s. Comm 118.01, “amounts of” is redundant and should be deleted.

c. In s. Comm 118.02 (intro.), “Definitions in” should be replaced by “In.” [See s. 1.01 (7), Manual.]

d. In s. Comm 118.02 (5), “nurture” should replace “nurturer.”

e. In s. Comm 118.04 (1), “Comm” should be inserted after “Table” in both the text and the table.

f. In s. Comm 118.04 (3), the parenthetical material should either be worked into the text or deleted. [See s. 1.01 (6), Manual.]

g. In s. Comm 118.05 (intro.), “all of the following” should be inserted before the colon. Also, all of the subsections should end with a period.

h. In s. Comm 118.05, subs. (1), (2) and (3) can be consolidated as follows:

(1) The identity of each individual, public agency, nonprofit organization and other person who is a participant in the countywide consortium.

4. Adequacy of References to Related Statutes, Rules and Forms

a. SECTION 9101 (1z) of 1997 Wisconsin Act 237 should not be cited as statutory authority for this rule-making order because there are no references to administrative rules or the department’s rule-making authority in that SECTION. In the absence of any express statutory authority for these rules, the department should cite its general rule-making authority pursuant to s. 227.11 (2) (a), Stats.

b. In the introductory clause and s. Comm 118.01, the appropriate reference to the relevant provisions of 1997 Wisconsin Act 237 should be to “SECTION 9101 (1z).”

c. In s. Comm 118.02 (7), “s. (a)” should be replaced by “s. 501 (a).”

d. In s. Comm 118.05 (intro.), (4) and (5), “s.” should be inserted before “Comm.”

e. In s. Comm 118.06 (5), “sub. (4)” should replace “par. (4).” [See s. 1.07 (2), Manual.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The definition of “cash” in s. Comm 118.02 (1) is somewhat vague. How will a reader know what is “acceptable to the department”?

b. In s. Comm 118.05 (intro.), the comma after “chapter” should be deleted.